

Amended in Assembly April 28, 1915.

Amended in Assembly April 22, 1915.

Amended in Assembly April 14, 1915.

ASSEMBLY BILL

No. 252

INTRODUCED BY MR. LYON,

(By request)

JANUARY 14, 1915.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

AN ACT

FOR THE REGULATION OF THE PRACTICE OF DRUGLESS SYSTEM OR METHOD OF TREATING SICK OR AFFLICTED HUMAN BEINGS; REGULATING THE EXAMINATION OF APPLICANTS FOR LICENSE; REGULATING REGISTRATION OF APPLICANTS; ALLOWING THOSE LICENSED TO TREAT DISEASES, INJURIES, DEFORMITIES, OR OTHER PHYSICAL OR PSYCHOPATHIC CONDITIONS OF HUMAN BEINGS BY DRUGLESS METHODS; TO ESTABLISH A BOARD OF EXAMINERS FOR DRUGLESS PHYSICIANS; TO PROVIDE FOR THEIR APPOINTMENT AND FORMATION AND PRESCRIBE THEIR POWERS AND DUTIES; MAKING VIOLATIONS OF THE PROVISIONS OF THIS ACT A MISDEMEANOR; AND REPEALING ALL PARTS OF AN ACT, ENTITLED "AN ACT TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSE AND THE PRACTICE OF THOSE LICENSED, TO TREAT DISEASES, INJURIES, DEFORMITIES, OR OTHER PHYSICAL OR MENTAL CONDITIONS OF HUMAN BEINGS; TO ESTABLISH A BOARD OF MEDICAL EXAMINERS, TO PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS AND DUTIES, AND TO REPEAL ALL PARTS OF AN ACT ENTITLED 'AN ACT FOR THE

REGULATION OF THE PRACTICE OF MEDICINE AND SURGERY, OSTEOPATHY, AND OTHER SYSTEMS OR MODES OF TREATING THE SICK OR AFFLICTED, IN THE STATE OF CALIFORNIA, AND FOR THE APPOINTMENT OF A BOARD OF MEDICAL EXAMINERS IN THE MATTER OF SAID REGULATION,' APPROVED MARCH 14, 1907, AND ACTS AMENDATORY THEREOF, AND ALSO TO REPEAL ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT," APPROVED JUNE 2, 1913, IN CONFLICT WITH THIS ACT OR PERTAINING IN ANY WAY TO THE EXAMINATION AND LICENSING OF APPLICANTS TO PRACTICE DRUGLESS SYSTEMS OR THE PRACTICE OF DRUGLESS SYSTEMS, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT.

The people of the State of California do enact as follows:

SECTION 1. A board to consist of nine members and to be known as the board of examiners for drugless physicians is hereby created and established. The governor shall appoint the members of the board on or before the first Tuesday in September, 1915, each of whom shall have been a citizen of this state for at least two years next preceeding his appointment. Each of the members shall be appointed from among persons who practice any methods of the healing art known as a drugless method; who shall have been graduated from a legally incorporated college or colleges, school or schools teaching a drugless system or systems, method or methods, requiring actual attendance during such course; and no graduate in medicine, surgery, osteopathy, dentistry, chiropody, or any other method than a drugless method shall be eligible to membership on said board. The governor shall fill by appointment all vacancies on the board. The term of office of each member shall be four years; *provided*, that of the first board appointed three members shall be appointed for one year, two members for two years, two members for three years, and two members for four years, and that thereafter all appointments shall be for four years, except that appointments to fill vacancies shall be for the unexpired term only. No person in any manner owning any interest in [a school or college teaching any

drugless method of instruction shall be appointed on the board. The governor shall have power to remove from office any member of the board for neglect of duty required by this act, for incompetency, or for unprofessional conduct. The governor shall appoint the first board from names selected from separate lists of not more than ten names each, presented to him by organizations or associations of the various schools, methods or systems of drugless healing within the state, but not more than three members of the board shall be selected from any one school, method or system. Each member of the first board shall by reason of such presentation, selection and appointment, be entitled to practice as a drugless physician within the State of California, and the officers of the board shall issue to each member of said first board the "drugless physician's certificate" provided for herein. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office.

SEC. 2. Said board shall organize on or before thirty days after the appointment of its members, by electing from its members a president, vice president, secretary and treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold at least one meeting annually beginning not later than the first Tuesday in January, 1916, in the city of Los Angeles, and at least one additional meeting annually which shall be held in the city of San Francisco, with power of adjournment from time to time until its business is concluded; *provided, however*, that examinations of applicants for certificates may, also, in the discretion of the board, be conducted in any other part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceeding each meeting in one daily newspaper published in the city of San Francisco, one published in the city of Sacramento and one published in the city of Los Angeles, which notice shall specify the time and place of holding the examination of applicants. The board shall receive through

1 its secretary applications for certificates provided to be issued
2 under this act; and shall, on or before the first day of January
3 of each year transmit to the governor a full report of all its
4 proceedings, together with a report of its receipts and dis-
5 bursements. The board shall, on or before the first day of
6 January of each year, compile a complete directory giving the
7 addresses of all persons within the State of California who hold
8 unrevoked licenses to practice under this act. The board is
9 hereby authorized to require said persons to furnish such
10 information as it may deem necessary to enable it to compile
11 the directory. The directory shall contain in addition to the
12 names and addresses of said persons, the names and symbols
13 indicating the title, name or names, school or schools, which
14 such person has attended and from which graduated, the date
15 of issuance of the license and the present residence of said
16 person. The directory shall be prima facie evidence of the
17 right of the person or persons named therein to practice. It
18 shall be the duty of any person holding a license under this
19 act, to report immediately each and every change of residence,
20 giving both the old and the new address.

21 SEC. 3. The office of the board shall be in the city of San
22 Francisco, and in all legal proceedings against the board said
23 city shall be deemed to be the residence of the members thereof.

24 SEC. 4. The board may from time to time adopt such rules
25 as may be necessary to enable it to carry into effect the pro-
26 visions of this act. It shall require the affirmative vote of five
27 members of said board to carry any motion or resolution to
28 adopt any rules, to pass any measure, or to authorize the
29 issuance of any certificate as in this act provided. Any member
30 of the board may administer oaths in any matter pertaining
31 to the duties of the board, and the board shall have authority
32 to take evidence in any matter cognizable by it. The board
33 shall keep an official record of all its proceedings, a part of
34 which record shall consist of a register of all applications for
35 certificates under this act, together with the action of the
36 board upon each application.

1 SEC. 5. The board is authorized to prosecute all persons
2 guilty of violation of the provisions of this act. It shall have
3 the power to employ legal counsel for such purpose and shall
4 also employ such clerical assistance as it may deem necessary.
5 The board shall fix the salary of the secretary not to exceed
6 the sum of twelve hundred (1,200) dollars per annum, and the
7 sum to be paid to other members of the board not to exceed
8 ten (10) dollars per diem each, for each and every day of
9 actual service in the discharge of official duties; and the board
10 may in its discretion add to said sum necessary traveling
11 expenses.

12 SEC. 6. All fees collected on behalf of the board of exam-
13 iners for drugless physicians and all receipts of every kind and
14 nature shall be reported at the beginning of each month, for
15 the month preceding, to the state controller, and at the same
16 time the entire amount of such collections shall be paid into
17 the state treasury and shall be credited to a fund to be known
18 as the board of examiners for drugless physicians contingent
19 fund, which fund is hereby created. Such contingent fund
20 shall be for the uses of the board of examiners for drugless
21 physicians, and out of it shall be paid all salaries and other
22 expenses necessarily incurred in carrying into effect the pro-
23 visions of this act. An amount not to exceed one thousand
24 (1,000) dollars may be drawn from the contingent fund herein
25 created, to be used as a revolving fund where cash advances
26 are necessary; but expenditures from such revolving fund must
27 be substantiated by vouchers and itemized statements at the
28 end of each fiscal year or at any other time when demand
29 therefor is made by the board of control.

30 SEC. 7. Every applicant for a certificate shall pay to the
31 secretary of the board a fee of twenty-five (25) dollars, which
32 shall be paid to the treasurer of the board by said secretary. In
33 case the applicant's credentials are insufficient or in case he does
34 not desire to take the examination, the sum of ten (10) dollars
35 shall be retained, the remainder of the fee being returnable on
36 application.

37 SEC. 8. One form of certificate shall be issued by said board

1 authorizing the holder thereof to treat or otherwise correct con-
2 ditions of diseases, injuries, deformities or other physical or
3 psychopathic conditions without the use of drugs or what are
4 known as medicinal preparations, and without in any manner
5 severing or puncturing any of the tissues of human beings,
6 which certificate shall be designated "drugless physician's
7 certificate," and shall indicate the school, method or system
8 which the applicant shall be permitted to practice. Said certifi-
9 cate on being recorded in the office of the county clerk, as here-
10 inafter provided, shall constitute the holder thereof a duly
11 licensed practitioner in accordance with the provisions of such
12 certificate.

13 SEC. 9. Every applicant must file with the board at least
14 two weeks prior to the regular meeting thereof, satisfactory
15 testimonials of good moral character, and every applicant must
16 show that he has attended two courses of study, each such
17 course to have been of not less than thirty-two weeks duration
18 but not necessarily pursued continuously or consecutively, and
19 that at least ten months shall have intervened between the
20 beginning of any course and the beginning of the preceding
21 course.

22 The said application shall be made upon a blank fur-
23 nished by said board and it shall contain such information con-
24 cerning the instruction and the preliminary education of the
25 applicant as this act prescribes; *provided, however,* that noth-
26 ing in this section shall be construed so as to apply to applicants
27 for registration or examination as set forth in section 20 of
28 this act. After September 1st, 1919, no person shall be eligible
29 to take the board examination for a certificate unless the school
30 or college from which he has graduated as a drugless physician
31 had at the time of his matriculation an entrance requirement
32 of at least a high school diploma or its equivalent.

33 SEC. 10. Applicants for a certificate as set forth herein
34 shall file satisfactory evidence of having pursued in a legally
35 chartered school or schools, or in a regularly chartered college

1 or colleges the course of instruction covering and including
2 the following minimum requirements:

3	Group 1. 735 hours.	
4	Anatomy -----	600 hours
5	Histology -----	135 hours
6	Group 2. 340 hours.	
7	Toxicology -----	40 hours
8	Physiology -----	300 hours
9	Group 3. 315 hours.	
10	Hygiene -----	75 hours
11	Pathology -----	270 hours
12	Group 4. 420 hours.	
13	Diagnosis -----	420 hours
14	Group 5. 560 hours.	
15	Theory, practice and technic -----	560 hours
16		
17	Total -----	2400 hours

18 In the course of study herein outlined the hours required
19 shall be actual work in the class room, laboratory, clinic or
20 hospital, and at least eighty (80) per cent of actual attendance
21 shall be required; *provided,* that the hours herein required
22 in any one subject need not exceed seventy-five (75) per cent
23 of the number specified, but that the total number of hours
24 in all the subjects of each group shall not be less than the
25 total number specified for such group.

26 SEC. 11. All applicants for a certificate or registration,
27 except as hereinafter set forth in section 20, must pass an
28 examination in the following subjects:

- 29 Anatomy and histology;
- 30 Toxicology and physiology;
- 31 Hygiene and pathology;
- 32 Diagnosis;
- 33 Theory, practice and technic.

34 All examinations shall be practical in character and designed
35 to ascertain the applicant's fitness to practice his profession,
36 and shall be conducted in the English language and at least
37 a portion of the examination in each of the subjects shall be

1 in writing in the discretion of the board; *provided, however*
2 that if the applicant fail in an oral examination, he shall, if he
3 so desires, be re-examined and such examination shall be in
4 writing. There shall be at least ten questions on each subject,
5 the answers to which shall be marked on a scale of zero to one
6 hundred. Each applicant must obtain no less than a general
7 average of seventy-five per cent and not less than sixty per
8 cent in any two subjects; *provided, that any applicant shall*
9 *be granted a credit of one per cent upon the general average*
10 *for each year of actual practice since graduation. The examina-*
11 *tion papers shall form a part of the records of the board and*
12 *shall be kept on file by the secretary for a period of one year*
13 *after each examination. In said examination the applicant*
14 *shall be known and designated by number only and the name*
15 *attached to the number shall be kept secret until after the board*
16 *has finally voted upon the application. The secretary of the*
17 *board shall in no instance participate as an examiner in any*
18 *examination held by the board, nor vote upon any applicant*
19 *for a certificate. All questions on any subject in which*
20 *examination is required under and in the manner as provided*
21 *for in this act, shall be provided by the board of examiners*
22 *upon the morning of the day upon which examination is given*
23 *in such subject, and when it shall be shown that the secretary*
24 *or any member of the board has in any manner given informa-*
25 *tion in advance of or during examination to any applicant*
26 *shall be the duty of the governor to remove such person from*
27 *the board of examiners, or from the office of secretary. The*
28 *examination in the first six subjects shall be conducted in the*
29 *manner provided for in this act and by the rules of the board*
30 *in conformity therewith, but all examinations in diagnosis,*
31 *theory, practice and technic shall be conducted by those mem-*
32 *bers of the board who represent the same school, method*
33 *system as the applicant; provided, that when there are*
34 *members of the board of the same school, method or system,*
35 *the applicant, that the applicant may be examined in each*
36 *said subjects by such members of the board as he may select*
37 *whose school, method or system most closely resembles his own*

1 but if there should be no one on the board whose school, method
2 or system resembles that of the applicant in any of the sub-
3 jects mentioned, the applicant may submit to the board a
4 thesis on such subjects under such rules as the board may
5 prescribe. All certificates issued hereunder shall be issued
6 in such form as shall be prescribed by the board.

7 SEC. 12. Said board must refuse a certificate to any appli-
8 cant guilty of unprofessional conduct. Said board shall adopt
9 rules of practice and procedure pursuant to and under and
10 by virtue of the laws of the State of California by which to try
11 a person charged with unprofessional conduct. In every
12 instance, where a person is charged with unprofessional conduct
13 such person before suspension or revocation shall be made shall
14 be cited to appear and be given an opportunity to defend him-
15 self by counsel or otherwise in every stage of the proceedings.
16 In the event that any person has his certificate revoked or
17 suspended the secretary shall register the fact of such sus-
18 pension or revocation, as the case may be, and shall certify
19 the fact of such suspension or revocation under the seal of
20 the board to the county clerk of the counties in which the
21 certificate of the person whose certificate has been revoked
22 has been recorded. The words "unprofessional conduct" as
23 used in this act are hereby declared to mean:

24 *First*—The procuring or aiding or abetting in procuring
25 of a criminal abortion.

26 *Second*—The wilfully betraying of a professional secret.

27 *Third*—All advertising which is intended or has a tendency
28 to deceive the public or impose upon credulous or ignorant
29 persons, and so be harmful or injurious to public morals or
30 safety, or the advertising of a drugless physician that he is
31 practicing a system in which he does not hold a certificate.

32 *Fourth*—All advertisements of any means whereby the
33 monthly period of women can be regulated or the menses
34 re-established if suppressed.

35 *Fifth*—Conviction of any offense involving moral turpitude,
36 in which case the record of such conviction shall be conclusive
37 evidence.

Sixth—Habitual intemperance.

Seventh—The personation of another licensed practitioner.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice, or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a "drugless physician's certificate," of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or puncturing by the holder of said "drugless physician's certificate" of the tissues of any human being in the treatment or correction of any disease, injury, deformity, or other physical or psychopathic condition of such human being.

Tenth—Advertising, directly, indirectly or in substance, by any sign, card, newspaper, advertisement, or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat, or otherwise correct any person for sexual diseases, lost manhood, sexual weakness, or sexual disorder; or being employed by, or being in the service of any person, firm, association or corporation so advertising.

Eleventh—The use of the holder of a "drugless physician's certificate" of the letters "M.D.," or the words "doctor of medicine," or the letters "Dr." or the word "doctor" or the term "physician and surgeon," or the term "surgeon," or the term "osteopath," or the letters "D.O.," in connection with his name or in connection with his practice, or otherwise, upon any sign, card, advertisement, or announcement, or otherwise.

SEC. 13. Every person holding a certificate under this act authorizing him to practice any system as set forth in this act known as a drugless system whereby such person is authorized to treat or otherwise correct conditions of disease, sick or afflicted human beings in this state, must have it filed for record in the office of the county clerk of the county or county

in which the holder of said certificate is practicing his profession, and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same. Any person holding a certificate as aforesaid who shall practice or attempt to practice a drugless system as set forth, herein, without having first filed his certificate with the county clerk as herein provided shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred (100) dollars, or by imprisonment for a period of not more than sixty days or by both such fine and imprisonment.

SEC. 14. The county clerk shall keep in a book provided for the purpose a complete list of the certificates filed with him for record as hereinafter provided with the date of the record; and said book shall be open to public inspection during his office hours.

SEC. 15. Any person who shall practice, or attempt to practice, or who advertises or holds himself out as practicing any drugless system or mode of treatment or otherwise correcting conditions of diseases, sick or afflicted human beings in this state, or who shall by a drugless method diagnose, treat, operate for, or prescribe for, or otherwise correct, any disease, injury, deformity, psychopathic or physical condition of a person without having at the time of so doing a valid unrevoked certificate as provided in this act, or other acts of the State of California, or who shall in any sign or in any advertisement use the letters "D.P.," or the words "drugless physician," or any other term or letters indicating or implying that he is a doctor under the terms of this act, or that he is entitled to practice hereunder without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred (500) dollars, or by imprisonment for a term of not more than one hundred and eighty days, or by both such fine and imprisonment. Upon each such conviction the fine when collected shall be paid to the state treasurer and a report thereof shall be made to the state controller.

1 for and who has a diploma issued to him by an incorporated
2 school or college requiring actual attendance during said course
3 shall, upon the payment of twenty-five dollars be entitled to
4 make application for and shall be given an oral, practical and
5 clinical examination by the board by applying to it for such
6 examination within six months after the appointment of the
7 first board; *provided, further*, that any person of good moral
8 character who has been engaged in the actual practice of a
9 drugless system in the State of California for a period of five
10 years next preceding the passage of this act, shall, upon the
11 payment of twenty-five dollars be permitted to take the examination
12 as herein provided for. If, after examination, it is
13 determined by a majority vote of the board that such applicant
14 is qualified to practice such drugless system, then the said
15 applicant shall receive a license to practice, and it shall be the
16 duty of the board to issue such certificate as set forth in
17 section 8 of this act. Such application shall be made upon a
18 blank to be furnished by the board and shall contain among
19 other things, the following information: The name of the
20 applicant; his address, length of time of his actual practice
21 within the State of California; nature, character and method
22 of treating the sick or afflicted human beings within the State
23 of California; name of college or school teaching drugless
24 system or systems, method or methods from which applicant
25 has received his diploma. Any applicant failing or refusing
26 to fill out and file such application blank must be refused the
27 right of examination.

28 SEC. 21. Any person receiving a certificate under and
29 virtue of any of the terms of this act is entitled to and may
30 allowed to use the words "drugless physician" or any other
31 word or words or abbreviations which designate the system
32 systems, method or methods, practiced by the holder thereof.

33 SEC. 22. All parts of an act entitled "An act to regulate
34 the examination of applicants for license, and the practice
35 those licensed, to treat diseases, injuries, deformities, or other
36 physical or mental condition of human beings; to establish
37 board of medical examiners, to provide for their appointment

1 and prescribe their powers and duties, and to repeal an act
2 entitled 'An act for the regulation of the practice of medicine
3 and surgery, osteopathy, and other system or modes of treating
4 the sick or afflicted, in the State of California, and for the
5 appointment of a board of medical examiners in the matter of
6 said regulation,' approved March 14, 1907, and acts amendatory
7 thereof, and also to repeal all other acts and parts of
8 acts in conflict with this act, approved June 2, 1913," in conflict
9 with this act or pertaining in any way to the examination
10 and licensing of applicants to practice drugless systems or the
11 practice of drugless systems, and all acts or parts of acts in
12 conflict with this act are hereby repealed.